

VOLUME

5

APPENDIX

IN THE
UNITED STATES
COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 25654

BILLY WAYNE POSEY, CECIL RAY PRICE, HORACE DOYLE
BARNETTE, JIMMY SNOWDEN, JIMMY APLEDGE, ALTON
WAYNE ROBERTS and SAM HOLLOWAY, JR.,

ENCLOSURES

Appellants,

FILE versus

UNITED STATES OF AMERICA

Appellee

Appeal from the United States District Court
for the Southern District of Mississippi

Department of Justice
Records Administration Branch
Enclosure File No. **144-41-686**
Serial No. **20**
Indexed **JAN 23 1969**
JW

*File
144-41-686
DRB*

1 BY THE COURT:

2 Yes, I think that is testimony that should have
3 been brought on your original examination. Its not
4 in rebuttal, so I'll sustain the objection as to
5 that.

6 BY MR. PIGFORD:

7 May it please the Court, we request that the Jury
8 be instructed to disregard what has been said up
9 until now.

10 BY THE COURT:

11 Yes, you may disregard that testimony. That's not
12 in rebuttal, that is just rehashing.

13 BY MR. PIGFORD:

14 Then I move the Court for a mistrial.

15 BY THE COURT:

16 Overruled.

17 BY MR. OWEN:

18 Q Now, did he indicate to you that whether or not he
19 returned to Philadelphia that day?

20 BY MR. BUCKLEY:

21 Your Honor, if it please the Court, I object to
22 the form of his question, he is referring to "he"
23 and no one knows who he is gaing to talk about next.

24 BY THE COURT:

25 Well that's not the most objectionable part of

1 the question, but I'll sustain it.

2 BY MR. OWEN:

3 Q What did Mr. Barnett tell you that he did after
4 he went to this place where he was going?

5 BY MR. ALFORD:

6 Your Honor, we object, he has not lain the proper
7 predicate.

8 BY THE COURT:

9 I'll overrule that.

10 BY MR. LOGG (THE WITNESS)

11 A He stated he returned to Philadelphia, Mississippi.

12 Q Did he indicate what time he returned?

13 BY MR. MOORE:

14 If it please the Court we object to what he indicated.

15 BY THE COURT:

16 Sustained.

17 BY MR. OWEN:

18 Q Did he tell you what time he returned to Philadel-
19 phia?

20 A Yes, he did.

21 Q What did he tell you?

22 A He said that it was dusky dark. We attempted to
23 fix the time and he said "just about dark or
24 just getting dark."

25 BY MR. MOORE:

1 We object to that, Your Honor, about fixing the
2 time and request the Court to instruct the Jury to
3 disregard that, and we move the Court for a mistrial.

4 BY THE COURT:

5 Overruled.

6 BY MR. OWEN:

7 Q Now, did he tell you whether or not he went back
8 to the funeral home?

9 A Yes, he did.

10 Q What did he say?

11 A He said he returned to the funeral home.

12 Q And did he tell you how long he stayed there?

13 A Approximately fifteen or twenty minutes.

14 Q And then did he tell you where he went?

15 A He said that he then returned to his home on
16 the Spring Creek Baptist Road.

17 Q Did he tell you anything about visiting the
18 hospital?

19 A No, he did not.

20 (Mr. Owen sat down)

21 BY MR. WEIR:

CROSS EXAMINATION

22 Q Mr. Logg where is this signed statement that you
23 claim you took at?

24 A I didn't say it was a signed statement.

25 Q Oh, you don't have any signed statement of Mr.

1 A No, I don't.

2 Q That's all.

3 BY MR. WATKINS:

4 Q Mr. Logg, you reported that matter you're talking
5 about as soon as you got back from alking to
6 him, did you not?

7 A I did.

8 Q How many times have you gone over it since 1964
9 until you took the stand today?

10 A Several times.

11 Q Several times, and you've gone over it several
12 times this week?

13 A Yes.

14 Q You couldn't otherwise remember it, the details
15 of it that you've been trying to talk about could
16 you?

17 A I rather doubt I could.

18 Q So, since he didn't sign the statement you just
19 refreshed your memory on what you put in the
20 record, isn't that correct?

21 A That's correct.

22 Q Yes sir, that's all.

23 BY MR. PIGFORD:

24 Q Mr. Logg, to your knowledge the Plaintiff's
25 or Government attorneys have been in possession

1 of this report you have been testifying from?

2 A I'm sure they are in possession of it, I don't
3 know just when.

4 Q You don't know where they are or not?

5 A I know they are.

6 BY MR. PIGFORD:

7 This, if the Court please, we move to exclude the
8 testimony of this witness because it is part of
9 their case in chief, and we move to exclude it.

10 BY THE COURT:

11 Overruled.

12 BY MR. WEIR:

13 Q Mr. Logg at the time this statement that you are
14 talking about was said to have been made at Mr.
15 Jones' office, Mr. Rayford Jones was the prosecut-
16 ing attorney up in Neshoba County, Mississippi,
17 wasn't he?

18 A Yes, I believe that is correct.

19 Q And he represented the State of Mississippi as
20 the prosecuting attorney?

21 A I presume so, yes.

22 Q And whenever an fellow has an attorney present
23 uh, whenever this statement was made, did you
24 tell Mr. Barnett that this investigation was
25 centered on him?

1 A He was advised of his rights as we would any
2 other suspect.

3 Q You had him down as a suspect then?

4 A Yes, I believe he was considered a suspect.

5 Q And you told him so?

6 A He was advised of his rights as we would any other
7 suspect.

8 Q Now whenever a man has an attorney present when
9 you all take a statement from him, you don't
10 write the statement up, you let his lawyer
11 write it up, don't you?

12 A No.

13 Q Don't you have orders from the Honorable J.
14 Edgar Hoover that whenever an Agent takes a
15 statement from a man that if his attorney is
16 present that the attorney prepares the statement
17 and submit the statement?

18 A I know of no such order.

19 Q You are just as sure as that as anything else
20 you have tried to do here?

21 A I believe so.

22 Q Where do you get your orders from?

23 BY MR. HAUBERG:

24 If the Court please, we object to that.
25

1 BY THE COURT:

2 Overruled.

3 BY THE WITNESS:

4 A. My orders were from Inspector Sullivan.

5 Q. I'm talking about your orders in general, isn't
6 that----

7 A. Are you referring to this case or any statement
8 that I might take?

9 Q. Any statement.

10 A. My regulations ^aeminate from Washington, they are
11 in a book of regulation.

12 Q. All right isn't that what the regulations say
13 that the lawyer fix the statement that you have
14 orders not to take it?

15 A. No, they do not.

16 Q. Now, in fact of the business, you didn't write
17 anything down when you were talking with Mr.

18 Barnett?

19 A. I most certainly did.

20 Q. And later on you added some to it?

21 A. I doubt that I did.

22 Q. But you wouldn't deny it would you?

23 A. Deny that I did? I dictated the statement.

24 Q. So you did add something to it after you took
25 the statement from Mr. Barnett?

1 BY MR. HAUBERG:

2 We object, Your Honor, he's arguing with the witness.

3 BY THE COURT:

4 Sustain the objection.

5 BY MR. WEIR:

6 Q So you did add something you dictated it from
7 some notes that you took Mr. Barnett didn't you?

8 A This is customary.

9 Q Yes sir, in other words, you take some notes
10 and you go back to your thoughts or something
11 and then you go to your office or some other
12 place and dictate it on the machine and then
13 someone else types it off, is that what happens?

14 A Either dictate it to a machine or to a
15 stenographer.

16 Q And then that interpretation that you you take
17 from the notes is your interpretation isn't it?

18 A There are notes made, answers to questions asked
19 when the man furnishes a signed statement.

20 Q And that's your wording entirely in that state-
21 ment?

22 A That's correct.

23 BY MR. HAUBERG:

24 We object to Counsel arguing with the witness.

25 BY THE COURT:

1 Yes, sustain the objection. You don't argue with
2 witnesses here, Counsel.

3 BY MR. WEIR:

4 I beg the Court's pardon, forgive me, Your Honor.

5 Q That is your interpretation is it not?

6 A It is dictated from my notes and it is in my
7 wording except phrases that are used by the
8 person interviewed.

9 Q And back a little bit. In fact of the business
10 you had an argument up there in Neshoba County
11 about one of Mr. Barnett's witnesses, didn't you?

12 BY MR. HAUBERG:

13 If the Court please, we don't think that is material.

14 BY THE COURT:

15 I don't see the materiality of it. What is the
16 materiality of it?

17 BY MR. WEIR:

18 Your Honor please, if I may ask one other question
19 then that might show it.

20 BY THE COURT:

21 All right.

22 BY MR. WEIR:

23 Q Didn't you argue with someone up there that it
24 was a Mr. Shafner that Mr. Barnett is said to
25 have gone to see instead of a Mr. Cannon?

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A No, I didn't.

Q You don't recall having a conversation about that
and arguing with someone up there about that?

A No, I do not.

Q I believe that's all, Your Honor.

(Whereupon witness excused)

BY MR. DOAR:

May it please the Court, the Government rests its
case.

BY THE COURT:

All right. Anything further from the defense?

BY MR. WATKINS:

May it please the Court, on behalf of James T. Harris,
Jimmy Snowden, Wayne Roberts, Jimmy Arledge, Travis
Barnett, Frank J. Herndon, we rest in rebuttal.

BY THE COURT:

Yes. Well, I will just ask all of you defendants
if all of the defendants rests?

BY MR. BUCKLEY:

No sir, Your Honor, may it please the Court, I would
like to make a motion? Out of the presence of the
Jury in behalf of Sam Bowers.

BY THE COURT:

All right. Let the Jury go out.

(Whereupon Jury excused from courtroom at 11:50 A.M.)

1 BY MR. BUCKLEY:

2 May I proceed?

3 BY THE COURT:

4 All right.

5 BY MR. BUCKLEY:

6 May it please the Court, under the Rules of
7 Criminal Procedure, the defendant, Sam Holloway
8 Bowers, Jr., respectfully move the Court to enter
9 a verdict of acquittal as to him.

10 BY THE COURT:

11 Well, I asked you if you rested and you said you had
12 a motion.

13 BY MR. BUCKLEY:

14 Yes sir, that's the motion.

15 BY THE COURT:

16 Well, I'm not going to hear any motions until the
17 parties have rested of course. You know better than
18 that.

19 BY MR. BUCKLEY:

20 I do rest.

21 BY THE COURT:

22 Does all the defendants rests?

23 BY ALL DEFENSE COUNSEL:

24 Yes, Your Honor.

25 BY THE COURT:

1 All right, you may make your motion, Mr. Buckley.

2 Let the record show that all parties have rested.

3 BY MR. BUCKLEY:

4 Yes sir, May it please the Court, under the
5 Criminal Rules of Civil Procedure, the defendant,
6 Sam Holloway Bowers, Jr., moves the Court to
7 enter a verdict of acquittal.

8 BY THE COURT:

9 Overruled.

10 BY MR. WATKINS:

11 Your Honor please, we make the same motion for
12 Harris, Snowden, Roberts, Arledge, and Travis
13 Barnett, and Frank J. Herndon, a judgment of
14 acquittal for the record.

15 BY THE COURT:

16 Overruled.

17 BY MR. PIGFORD:

18 May it please the Court, for and on behalf of the
19 defendant, Mr. B. L. Akin, that same motion is
20 made for a judgment of acquittal.

21 BY THE COURT:

22 Overruled.

23 BY MR. COVINGTON:

24 May it please the Court, on behalf of Horace Doyle
25 Barnett, we make the same motion.

1 BY THE COURT:

2 Overruled.

3 BY MR. MCINTIRE:

4 May it please the Court, comes now Lawrence Andrew
5 Rainey, a defendant in this case, by and through
6 his attorney of record, and most respectfully move
7 this Court for a judgment of acquittal and in
8 support of said motion would show the Court the
9 following: (1) United States of America have
10 called forty witnesses, and only three witnesses
11 have ever mentioned Lawrence Andrew Rainey's name,
12 and at no time has there been any testimony that
13 defendant, Lawrence Andrew Rainey has entered into
14 a conspiracy with any other person or any of the
15 defendants, circumstantial or otherwise. That
16 defendant's name was never mentioned with reference
17 to June 16, 1964 nor June 21st, 1964, that there
18 is insufficient of evidence here to sustained a
19 conviction. That the evidence is such that a reason-
20 able doubt could arise in the minds of jurors.
21 There is no evidence upon which a reasonable mind
22 could fairly conclude guilty under a reasonable
23 doubt. Substantial evidence of guilt requires
24 to justify submission of a case to the jury. A
25 mere cintilla of evidence is not enough. Unless

1 there is evidence of fact which excludes hypotheses
2 then a judgment should be a judgment of acquittal;
3 wherefore, the defendant, Lawrence Andrew Rainey,
4 moves the Court for a judgment or acquittal.

5 BY THE COURT:

6 I believe I'll pass on that motion in the retrospect
7 after seeing what the Jury will do, then I will
8 reserve Judgment on that.

9 BY MR. McINTIRE:

10 Thank you, Your Honor.

11 BY MR. WEIR:

12 May it please the Court, defendant Cecil Ray Price
13 moves the Court to exclude the evidence offered
14 against him and to enter a judgment of acquittal
15 in behalf of said defendant, because the United
16 States of America has wholly failed to make a
17 case against this defendant and for the many reasons
18 apparent upon the face of the record.

19 BY THE COURT:

20 Overruled.

21 BY MR. ~~XXXX~~: ALFORD:

22 May it please the Court, now comes Olen Lavelle
23 Burrage and moves the Court for a Judgment of
24 acquittal in this cause and the grounds for this
25 motion is to show to the Court that out of all of

1 the evidence that has been presented by the Government
2 in the prosecution of this case there is not one
3 single iota testimony before this Court and Jury
4 that links or connects this defendant Olen Lavelle
5 Burrage in this conspiracy charge, whatsoever.
6 It is true that the bodies were found on a farm be-
7 longing to him, some bodies were found, which is two
8 miles away from his residence, and there is no
9 admissible evidence in this record to connect him
10 in any way in this respect with this conspiracy,
11 therefore, we respectfully move for a judgment of
12 acquittal for this defendant.

13 BY THE COURT:

14 I will reserve ruling on that motion too. A
15 conspiracy case, and particularly one of this
16 kind, it would seem to me might require rather
17 cautious treatment of a motion in a case where
18 there are seventeen or eighteen defendants because
19 to say to let some of the defendants out and keep
20 the others in at this point might be misunderstood
21 by the Jury and might very well cause them to draw
22 some conclusions or deductions or emphases which
23 the Court would not have intended, so I'll reserve
24 Judgment on that. And as to the Sheriff Rainey,
25 I'm not sure of whether a Sheriff is liable criminally

1 for what his deputy does that may be of a criminal
2 nature and I would like to have some authority on
3 that but I remember the Hemingway case, a Mississippi
4 case where the principal was held liable criminally
5 and was sent to the penitentiary for embezzlement
6 by the deputy treasurer. I never could quite agree
7 with that, but I believe that is a case in Mississippi.
8 I didn't practice criminal law much, I say much, not
9 at all, but I would like to hear from you on that
10 at the proper time.

11 BY MR. MCINTIRE:

12 Yes, Your Honor, I would like to be heard.

13 BY THE COURT:

14 All right.

15 BY MR. MARS:

16 Your Honor please, on behalf of the defendant, Edgar
17 Ray Killen, I respectfully move the Court for a
18 judgment of acquittal.

19 BY THE COURT:

20 Overruled.

21 BY MR. MOORE:

22 If it please the Court, on behalf of defendant,
23 Billy Wayne Posey, we respectfully move the Court
24 for a judgment of acquittal.

25 BY THE COURT:

1 Overruled.

2 BY MR. WEIR:

3 May it please the Court, on behalf of defendant,
4 Jerry McGrew Sharpe, we respectfully move the Court
5 under Rule 29 of the Federal Rules of the Criminal
6 Procedure and all other applicable law and rule
7 that a judgment of acquittal be entered in behalf of
8 Jerry McGrew Sharpe.

9 BY THE COURT:

10 Overruled.

11 BY MR. WEIR:

12 Thank you, Your Honor.

13 BY MR. ALFORD:

14 May it please the Court, on behalf of Mr. Richard
15 Andrew Willis, now comes this defendant, Richard
16 Andrew Willis and moves the Court for a judgment of
17 acquittal and submits to the Court as grounds for
18 this motion that there has been no item of testimony
19 in this record in regard to this defendant to link
20 him up with this conspiracy as charged.

21 BY THE COURT:

22 I'll reserve judgment on that motion.

23 BY MR. ALFORD:

24 May it please the Court, now comes the defendant,
25 E. G. Hop Barnett, and moves the Court for a judgment

1 of acquittal.

2 BY THE COURT:

3 I'll reserve ruling on that motion too.

4 BY MR. LEWIS:

5 May it please the Court, the defendant, Herman Tucker,
6 and moves the Court for a judgment of acquittal
7 in that the Government has not shown by permissible
8 evidence that he had any connection whatsoever with
9 this crime alleged as charged in the indictment,
10 that his name was mentioned one time by a co-
11 conspirator Jordan, that Harmon would take care of
12 it, that the name Tucker has not been mentioned
13 during the trial of this lawsuit since the beginning
14 of it by any witnesses produced by the Government
15 and by any admissible evidence it has not been shown
16 that he had anything to do with the conspiracy
17 whatsoever.

18 BY THE COURT:

19 I will reserve judgment on that motion.

20 Does any of the other defendants have motions?

21 Is that all the defendants?

22 BY MR. WATKINS:

23 Your Honor please, I don't know if it is appropriate
24 or not, but I would like to request that the
25 defendants have collectively three hours to argue

the case.

1
2 BY THE COURT:

3 I'm not sure that everyone has made all their
4 motions.

5 BY MR. WATKINS:

6 Oh, excuse me.

7 BY THE COURT:

8 All the defendants made all the motions you wish to
9 make?

10 BY MR. BUCKLEY:

11 I believe so, Your Honor.

12 BY THE COURT:

13 All right. Let's talk about your time now. I don't
14 guess any Counsel wants this in the record or not
15 you might as well take it since you have anything
16 else.

17 BY THE COURT:

18 How much time does the Government want?

19 BY MR. HAUBERG:

20 Just a moment, Your Honor.

21 BY THE COURT:

22 I'll just let you all talk about that when we
23 are talking about your instructions. We have a
24 lot of work to do on these instructions yet.

25 Call the Jury back in Mr. Marshal.

1 (Jury returned to the Courtroom at 12:02 A. M.
2 on October 17, 1967.)

3 BY THE COURT:

4 Members of the Jury, we are going to take a recess
5 at this point for lunch. Are your facilities back
6 in your quarters comfortable?

7 MEMBERS OF THE JURY:

8 Yes sir.

9 BY THE COURT:

10 Well, the Marshal will get you some coffee about
11 three o'clock, I'm not sure what time we will get
12 through with these instructions, but I'm going to
13 excuse you until 1:30 with the same understanding
14 that we've had, that is, let no one talk to you
15 and you talk to no one either in your presence
16 or hearing about this matter, just keep an open
17 mind, as it is not even proper to discuss it among
18 yourselves, because you haven't heard the entire
19 case so keep an open mind on it until it is submitted
20 to you before you try to make any decision on it.
21 You haven't heard arguments and you haven't heard
22 the Court's instructions and you couldn't possibly
23 make any proper decision, so hold an open mind
24 on that and I'll excuse you and ask you to come
25 immediately back to your jury room when you get

1 back on the premises come immediately now back to
2 your jury room, and with that promise from each of
3 you I'll excuse you until 1:30.

4 (Jurors agreed by nodding heads)

5 (Whereupon the Court took at recess at 12:05 A. M.
6 until 1:30 P. M. on October 17, 1968.

7 AFTER NOON RECESS: (ATTORNEYS, DEFENDANTS, AND JURORS
8 (2:20 P. M.) IN COURTROOM)

9 BY THE COURT:

10 Members of the Jury, its about 2:20 now and we
11 haven't been working, we have been working on
12 instructions and I don't believe it would be
13 possible to finish with these instructions before
14 6:00 o'clock, and I don't believe this case would
15 be submitted to the jury that late in the evening,
16 so I'm going to excuse this Jury until 8:30 in
17 the morning with the same understanding that we've
18 had each time we have taken out, so I'll excuse
19 this jury until 8:30 in the morning.

20 BY THE MARSHAL:

21 Everyone stay in their seats until the Jury has
22 passed out of the building.

23 (Whereupon Jury excused at 2:22 P. M. on October
24 17, 1967 until 8:30 A. M. on October 18, 1967.)
25

1 OCTOBER 18, 1968:

2 BY MR. DOAR:

3 May it please the Court, may I correct the record
4 by offering into evidence exhibit, I believe its
5 number 87, which is marked now for identification
6 only.

7 BY MR. WEIR:

8 To which we object, Your Honor.

9 BY THE COURT:

10 Let me see that exhibit, please.

11 BY MR. DOAR:

12 I'm sorry, number 77.

13 BY THE COURT:

14 Yes, this Government's exhibit number 77 may now
15 be entered into evidence and be marked.

16 (Whereupon exhibit entered into evidence and
17 marked P-77)

18 BY MR. BUCKLEY:

19 Your Honor, may it please the Court, we would
20 like to note an objection to this because the
21 prosecution and defendant has rested, and we
22 won't have a chance to comment on it.

23 BY THE COURT:

24 Well, I'll let you make any comment you want to
25 on it right now.

1 BY MR. BUCKLEY:

2 No sir, that's all I have to say.

3 BY THE COURT:

4 All right, I'll overrule your objection.

5 All right, you may commence your arguments. The
6 Government is allowed a hour and a half for their
7 argument and they can divide it anyway they want to
8 and the defendants are allowed three hours to
9 argue and they may divide it anyway they wish to.
10 We'll take the usual break during the day just as
11 we have taken on the other days, the jury will
12 be kept together, you will be carried to lunch
13 together, and sometimes late this afternoon it
14 is indicated that arguments will be concluded
15 and the Court will at that time instruct you as
16 to the law; thereafter, the case will go to the
17 jury. The Court will instruct you after the
18 arguments. All right, Mr. Doar.

19 ARGUMENT PRESENT BY MR. DOAR:

20 May it please the Court, ladies and gentlemen of
21 the jury, I'm not accustomed to the duty which I
22 have attempted to perform here in Meridian for the
23 last few days. Only once before have I acted as
24 prosecutor for the Government in a criminal case.
25 I hope very much that you will understand the reason

1 I have come here, its not because of any skilled
2 experience that I am here, but only because I hold
3 the office as head of the division with the
4 Department of Justice, and it is my responsibility
5 to try and enforce the law in which these defendants
6 have been charged.

7 The United States Government felt it was essential
8 that one of its Washington Officials be here to
9 speak directly and frankly to you, about the reason
10 for the extra-ordinary effort the Federal Government
11 undertook to solve this crime, and to state to you
12 twelve Jurors why the Federal Government has assumed
13 the role of prosecutor of this conspiracy involving
14 murder, the crime of which unfurled its criminal
15 law in the State of Mississippi in and for Neshoba
16 County. I am here because your National Government
17 is concerned about your local law enforcement and
18 in a conviction local law must work if we deserve
19 our liberty and freedom. The machinery of any law
20 in any county in any State, any police card, the
21 uniform, the badge, arrest, calculated release,
22 re-arrest, murder while in official custody and
23 used to execute a plot to kill. If there is to
24 be any hope for this land of ours the Federal
25 Government has a duty to eliminate such evil

1 forces that seize local law enforcement, that seize
2 local law in the county and to rectify the situation
3 so that it can administer Justice. When local law
4 enforcement officials become involved as participants
5 in violent crime and use their position, power and
6 authority to accomplish this there is very little
7 hope to be hoped for, except with assistance from
8 the Federal Government, but Members of the Jury,
9 exactly what does that mean? It means that the
10 Federal Government is not invading Philadelphia or
11 Neshoba County, Mississippi, it means only that
12 these defendants are tried for a crime under Federal
13 law in a Mississippi City, before a Mississippi Federal
14 Judge, in a Mississippi courtroom, assisted by
15 Mississippi courtroom officials before twelve men
16 and women from the State of Mississippi. The
17 sole responsibility of the determination of guilt
18 or innocence of these men remain in the hands where
19 it should remain, the hands of twelve citizens from
20 the State of Mississippi.

21 Members of the Jury, this is not a murder case.
22 The question is, was there a conspiracy in which
23 the law was involved. Its been hanging over this
24 courtroom, hanging over this courtroom for the past
25 eight days, pressing in on each of us. Is the fact

1 the uncontradictory fact, the unbelievable fact
2 the endeavored to be forgotten fact. The three
3 human lives taken in Neshoba County on that night
4 of June 21st, 1964. It was our duty, the Federal
5 Government's duty to do its best to bring to light
6 the perpetrators in the conspiracy and to make it
7 understandable to you to show you that this crime
8 did occur, and who did it, and to show you that
9 this crime was not the act of any loyal citizen
10 of Mississippi or any loyal group of citizens of
11 Mississippi, but rather an act of two individuals
12 partners and citizens of any other fifty states,
13 no credit to any state, Sam Holloway Boers and Edgar
14 Ray Killen, and then it was executed, this plan.
15 The plan was executed through the collaboration of
16 the law of Neshoba County, principally in the person
17 of the Deputy Sheriff, Cecil Ray Price. Members
18 of the Jury, this is no extra-ordinary case, it
19 has no precedent anywhere. Members of the Jury,
20 this was a calculated, cold-blooded plot. Three
21 men, hardly more than boys, were the victims. The
22 plot was executed with a degree of self possession
23 and steadiness equal to the wickedness to which it
24 was planned. The circumstances, now clearly in
25 evidence, spread out the entire scene before us.

1 On June 21st, 1964, three boys traveled to Neshoba
2 County. They were spotted and arrested by Deputy
3 Price and promptly confined in jail. The boys were
4 released by the Deputy Sheriff that night, within
5 two hours they are in their graves, buried twelve or
6 fifteen feet deep, thousands of yards of dirt has
7 been intended to conceal the front, the bodies for-
8 ever there unknown, buried under red clay in the
9 center of a pond dam in the rural woods of Neshoba
10 County. Their car is disposed of by burning so
11 that there will be no trace. The deed was accomplished
12 smoothly, quietly, effectively, efficiently, the
13 object of the conspiracy achieved. No one has ob-
14 served, no one has heard, the shame, the capture,
15 the killing or the burial. The participants believed
16 themselves safe, safe because the crime was committed
17 in Neshoba County, and Neshoba law. Neshoba law was
18 involved. Members of the Jury, defendants were
19 mistaken. Such a secret could be safe no where,
20 there is no nook nor corner on this earth where a
21 secret pf this plot would remain safe. It is surely
22 true, that those that break the law of Heaven by
23 taking life seldom seek success in avoiding discovery.
24 Such is the case here, discovery was discovered, a
25 thousand eyes explored every corner of Neshoba

1 everything, every circumstance connected with this
2 time and the place but Neshoba County remained silent,
3 but a few citizens stepped forward, rarely in the
4 history of law and enforcement, with information
5 that had been so difficult to obtain of what took
6 place in Neshoba County between 9:00 o'clock P. M.
7 and 1:00 o'clock P. M. on June the 21st.

8 Members of the Jury, Neshoba County chose to re-
9 main silent as to what was known about the events that
10 night in that county. Much has and will be said about
11 the extra-ordinary methods in discovering the guilty.
12 Should it have been otherwise? Was this a State to
13 be forgotten? Was this not a case for maximum effort
14 of the F. B. I.? Could the Federal Government has
15 succeeded in any other way other than rewards, payment
16 for information, tending to expose the band of
17 murderous conspirators, the midnight killers, to
18 bring them to the Bar of Justice of Law? Ladies and
19 Gentlemen of the Jury there could be no justice done
20 for your Federal Government not having tried to
21 solve this crime, and the F. B. I. did try. Faced
22 with this wall of silence encouraged Wallace Miller
23 to step forward to furnish what he had heard from
24 his friends within the Klan, and to appeal to Delmar
25 Dennis to penetrate the higharchy of the plan and

1 to reveal their secrets, believing that this would
2 lead to fixing the responsibility on all of those
3 who planned this crime. All of you probably have
4 an initial resentment against paid enformers, but
5 before you finally decide examine these men, Miller
6 and Dennis, they are native sons of Mississippi, they
7 are men of courage, because whom among us would doubt
8 their lives are constantly in danger. They are men
9 of convictions, both about State's Rights and law
10 enforcement. Miller, a police officer began an al-
11 most perpetual state of fear; meanwhile, the guilty
12 ones could not keep their secret. Some were so
13 confident in the protection of the Neshoba law
14 that they began to talk among themselves, others,
15 because they were away from the scene of the killing
16 believed themselves free from prosecution, still
17 others talked among themselves, Sam Bowers boasted
18 about it, and Miller reported what he heard. With
19 the aid of this information the F. B. I. persuaded
20 Jim Jordan to stop running, to give information and
21 return from sanctuary, from his criminal partners
22 and this sanctuary required the expenditure of
23 Three Thousand Dollars, and partially support for
24 Jordan since that day. Another, Horace Doyle
25 felt irresistible
Barnett helped an impulsive of conscious to be

1 true to himself. And so the facts that happened on
2 June the 21st became clear, remained for the chief
3 informer, Delmar Dennis, to learn of the massive
4 plot and to explain this in its meaning to Mississippi.

5 Dennis, who had left the Klan, was asked to re-
6 enter and to penetrate the heart of the secret
7 organization, and that he did. Members of the Jury,
8 the payment for information that these informers
9 received for the risk they took, for the time they
10 consumed, for the expenses they incurred for the
11 inevitable isolation when their role came out is
12 pretty meager. Their payment was made for value
13 received. These men are not criminals, they played
14 no part in this or any other conspiracy, and for
15 the F.B. I. there was no other way to proceed. So,
16 I come here now to ask only that you do justice.
17 You want, of course, to proceed with caution against
18 each of these defendants and be certain that you do
19 not find them guilty of the offense of another, but
20 you must likewise not forget that ^{you} were dealing with
21 an atrocious crime. Ladies and G^Entlemen of the
22 Jury, your decision of this case will stand as a
23 precedent. I believe that it will be a precedent
24 of candor, intelligence, firmness, and fairness.
25 a precedent of good sense, an iron purpose, exploring

all of the circumstances, weighing each virtue of truth and embracing and declaring the truth when found.

Members of the Jury, I now turn to the facts of the case. Let us see what we know independently of the undisputed testimony. This is a case in part of circumstantial evidence. It is common that offenses of this type have to be proved in this way. Midnight murder in the rural area of Neshoba County provides few witnesses. Let me call your attention to the circumstances which was tend proven to a certain plan, participated in by the law of Neshoba County. Three men disappeared on Sunday night, June the 21st, they were found six weeks later buried beneath fifteen feet of dirt in the middle of a pond. The Neshoba jailer's wife, Mrs. Herring, was the last known person to see them alive. She saw them as they walked from the jail. Five bullets are found in their bodies. The boys are alive at 10:30 when they were released, the station wagon is on fire at 12:45 o'clock located fourteen miles northeast of Phildealphia. There is obviously and certainly been concert cooperation, just as certainly as the machinery of the law had been prepared, had been used to prepare the road for the conspiracy, and

1 conspirators. The Neshoba County law enforcement
2 officer, Cecil Ray Price, controlled the time of
3 release, he could have released them an hour later,
4 he could have released them an hour early, but he
5 released them just so they would go to their deaths.
6 Everything indicated that there had been a conspiracy
7 to kill and that the killers had the help of the law.
8 We know this was not done without the help of a plan.
9 Let me first note the evidence that proves without
10 a doubt that the bodies in the dam were the bodies
11 of Schwerner, Chaney and Goodman, and the evidence
12 that proves the bullets from the guns that killed
13 them. On August. On August 4th the bodies were
14 found. Three men buried in the dam. Two of these
15 young men were white, one was a negro. The
16 appearance and clothing on the bodies satisfied
17 the description of Schwerner, Chaney and Goodman.
18 The three had been driving a Blue, 1963 Ford Station
19 Wagon. Concealed in the pockets of the body, number
20 one, keys to the working lock of the Ford Station
21 Wagon, burned station wagon, square keys. Selective
22 Service card of Michael Schwerner and Andrew Goodman
23 were found in wallets of their pants pocket, the
24 teeth found in bodies number 1 and 2 matched the
25 mouths of Schwerner and Goodman. The other documents

1 found confirmed the identity of the bodies. Finger-
2 print examination of James Chaney confirmed, a thumb
3 fingerprint examination confirmed the identity, like-
4 wise, there's no doubt how these bodies were killed.
5 Five bullets were found in the bodies. Five bullets,
6 one in Schwerner's body, one bullet in Goodman's
7 body, and three bullets in Chancey's body, and
8 because of the decomposition of the chest cavity
9 of the three boys, Dr. Featherstone couldn't say
10 for sure and with absolute certainty that the
11 bullets penetrated through the heart muscle, but
12 that was because there was no heart muscle to examine,
13 the bodies were so decomposed. He testified it was
14 his medical opinion that the bullets in both body
15 number 1, Schwerner, body number 2, Goodman, would
16 have had to penetrate the muscle of the heart with
17 no other result or outcome but death. The third
18 body, Chaney, the first bullet passed a little low
19 but the second one passed a little higher and meant
20 only certain death. We know from the testimony of
21 the jailer's wife, Mrs. Herring, that the boys were
22 released from jail by Price at 10:30. We know that
23 the car was seen at 12:45 or 1:00 o'clock, we know
24 that a watch was found and stopped at 12:45 but
25 the works of the watch could have stopped anytime

1 but that fact taken into consideration with all the
2 other facts and testimony of the witnesses, the
3 physical facts, warrants the inference that the watch
4 did stop and fire at 12:45 on June 22nd. The Station
5 Wagon which was the way the boys were travelling had
6 traveled a considerable distance between 10:30 and
7 a quarter to one. If I may step over to the map
8 for a minute, you will note that the jail is in the
9 center of the City of Philadelphia, they traveled
10 down 19, down where the roads turns off toward
11 Union and House. This is about ten or twelve miles.
12 They come back up the road about eight or nine miles
13 South of Philadelphia on this gravel road seen to
14 the West. You follow these roads, these back roads
15 back to about ten miles back to Philadelphia. Then
16 you take the road to Philadelphia up here at Posey's
17 Service Station down 21 down on to the dam site, that's
18 six to six and a half miles. Six to six and a half
19 miles here, ten to eleven miles here, approximately
20 ten miles back on the back road, a half mile down
21 to the dam site and add them all up, six miles back
22 into town and thirteen or fourteen miles back up
23 the road where the car was found. That car traveled
24 in a little over two hours over fifty miles, fifty
25 fifty-one or fifty two miles that night. That's the

1 circumstances, Ladies and G^untlemen. The very
2 circumstances you are invited to consider in weighing
3 the evidence. The very circumstances then are the
4 depths. The short time involved, the distance
5 traveled, draws a conclusion of their own plot. No
6 one, no group could have stumbled on that Station
7 Wagon on highway 19, stopped it, killed the boys
8 made arrangement for disposal of the bodies fifteen
9 miles away, half a mile off the blacktop road in
10 the middle of the woods without there having been
11 advanced planning. The fact that they were buried
12 in a dam in and of itself tells us that it was a
13 careful worked out plot. Now, just as there was no
14 plot there's no doubt that the law of Neshoba County
15 participated. Did or not witnesses tell you that the
16 boys were locked in Jail by Cecil Price around 4:00
17 o'clock? Cecil Price knew who he had in that jail.
18 The ticket that he wrote himself reflects that the
19 registration of the car was registered in the Congres
20 of Racial Equality. Two were booked for investigation
21 of church burning, one was charged with speeding, the
22 boys were held until 10:30. Deputy Price determined
23 the time of release. They were not held there about
24 any rule governing speeding charges, Mrs. Herring
25 said they had an automatic system of releasing people

1 for minor offenses where you could get out if you
2 paid the fine by posting a hundred dollar bond, but
3 only to give the defendants time to set up and execute
4 their plan. She said this automatic system of release
5 had been in effect for years, that it was not necessary
6 for the Justice of the Peace to approve their release
7 and besides Mrs. Herring said the Justice of the
8 Peace, Mr. Warren, was in the jail half hour after
9 the boys were put in there by Mr. Price, and nothing
10 was said. When Mr. Price, or Cecil Price, or Deputy
11 Price decided to release the boys he said, "If
12 Chaney wants to pay off, we will release them all."
13 Why did he not say that at five or six, or seven
14 or eight o'clock or nine, but at 10:30? Why did he
15 put the boys in jail at all? The two white boys,
16 they were booked for investigation, but what were
17 they investigating, nothing was investigated, not one
18 word was made to those boys by Cecil Ray Price or any
19 other law enforcement officer while they wre in jail.
20 That's the testimony of Mrs. Herring, who was there
21 continuously during the time they were in jail. And
22 then when Mr. Cecil Price released them, what did he
23 say? He said, "You CR workers get out of Neshoba
24 County." They thanked him and left. So there was
25 not one word spoken about the church burning. Mrs.

1 Herring work in the jail book after they were re-
 2 leased, "released after investigation." "Cecil told
 3 me to do that," she said. That's what he said, and
 4 the circumstances of the killing also point toward
 5 law enforcement, toward the fact that some law
 6 enforcement officer, and we know it was Cecil Ray
 7 Price, we know that one gun a .38 at least put one
 8 bullet in the chest of each of the three boys. We
 9 know that there gun was fired at contact range, fired
 10 by someone who could have grabed some big man or
 11 could have grabed those three boys like that by the
 12 shirt, put that gun to their chest and pull the
 13 trigger. You can only do that to people that were
 14 in custody, innocent, peaceful prisoners in the custody
 15 of the law. The bullet that hit Chaney was a little
 16 low, so more bullets were fired, two more bullets
 17 were fired. The fact that they were contact shots
 18 tends to prove that the boys were held in custody
 19 when they were murdered. So now the questions comes
 20 out. Other than Cecil Price, who were the plotters?
 21 How was the plot executed? Price's participation is
 22 certain without further proof. He released the boys
 23 at a predetermined time. If there were not one
 24 word of testimony there except that the boys were
 25 killed, Price would be guilty of this conspiracy.

1 The key to the rest of the crime is the certain
2 knowledge, the undisputed knowledge that it was
3 the intent of the conspirators to destroy Michael
4 Schwerner, and the other central figures other than
5 Cecil Price in this conspiracy are Sam Holloway
6 Bowers, sitting next to Mr. Herndon; Edgar Ray
7 Killen, sitting next to Cecil Ray Price. Bowers,
8 head of the White Knights, the Imperial Wizard,
9 approved Schwerner as the target. Killen, together
10 with Price planned and organized the elimination.
11 Michael Schwerner, the outside agitator from New
12 York, came from the North to work on Civil Rights
13 for Negroes, he moved into a Negro neighborhood, and
14 he associated with Negroes, he preached freedom,
15 he worked with voter registration, he organized, he
16 demanded, he picketing, he boycotted, he wore a
17 goat beard, he presented a hated organization, he
18 was the symbol of COFO, COFO was the symbole of forced
19 integration of the races in the State of Mississippi.
20 He was hated and despised, and a secret organization
21 was formed to deal with COFO, the White Knights of
22 the Ku Klux Klan. This was no represented group of
23 the State of Mississippi; but this was a small secret
24 militant group, masterminded by a fanatic, who
25 singled out Schwerner as a man who had to be eliminated.

Not to preserve or protect Mississippi, but rather to satisfy his own consuming hate. As early as April, Bowers had approached Schwerner's elimination. According to Bowers, he was the thorn in the side of everyone from that date until June the 21st, the forces Sam Bowers released for the death of Schwerner, before those forces reached the climax eighteen other persons were involved, and there were two other people also killed. The case here involves individuals, and the guilt or innocence of each individual must be judged separately. But to understand this case, you must understand the White Knights of the Ku Klux Klan. IN seeking members, the White Knights are reported to be a political organization, non-violent, peaceful group, but once the members were inducted, once the oath was administered the members soon learned from Edgar Ray Killen that this was an organization of action. This was no Boy Scout group, it was here to do business. There would be certain things the Klan would need to do, its members learned. Cross-burnings, meetings, and eliminations, provided that discipline was maintained and that action of this type was approved by the local State Organization. You only have to read the documents, the executive

1 lecturewof Sam Bowers of M^arch the 1st, which state-
2 ment should be read and re-read thoroughly to under-
3 stand and grasp the evil of this organization. It
4 describes the White Knights as a Christian, militant
5 organization, and it says as militant, and I'm
6 quoting, "As militants, we are disposed to use our
7 physical force against our enemines. It says,
8 our enemies should be humiliated and driven out
9 of the community by propoganda well enough, but
10 if they continue to resist, they must be physically
11 destroyed. It says, the Klan must never give the
12 enemy even break, it is a life and death struggle,
13 and we must at all times be ready and strive and
14 break and destroy our enemies. Since we must always
15 retain good public relations, that as long as we
16 have the public on our side, we can handle our
17 enemies anyway we please." Members of the Jury,
18 this is not a Government Prosecutor talking. This
19 is found in the document written by Sam Holloway
20 Bowers. This Klan is a secret organization with
21 stern and severe discipline. He admits their
22 ceremony includes the Oath of Allegance that requires
23 each member to swear that he will cleave to the brother
24 in theOrder and the family of all others, that he will de-
25 fend and protect them from all of our enemines; that

1 there will never be a breach of secrecy or any other
2 acts that would be detrimental to the White Knights.
3 The ceremony states that to violate the oath means
4 disgrace, dishonor, and death. To violate the
5 oath means disgrace, dishonor, and death, that's
6 the oath. Members of the Jury, important exhibits
7 are found on the Klan literature. You were listening
8 carefully to the testimony, you were taking careful
9 notes, but before you deliberate fully, you must
10 examine these exhibits. Examine the literature here,
11 the executive lecture Sam Bowers made for recruiters,
12 Sam Bowers' document on secrecy, Sam Bowers' document
13 on harrassment, and you will begin to see what supports
14 here. Once you read these documents you will see
15 why so many good and honest citizens of Mississippi
16 were fooled by false appearances of this crime. Can
17 there be any doubt that Sam Bowers who wrote a
18 speech and organized with hate and violence in his
19 mind was capable of going to any length to destroy
20 Michael Schwerner? Preacher Killen is his right hand
21 man in this eastern area of Mississippi. Organized
22 the Klan in Neshoba County and Lauderdale County.
23 We don't know as much about the Klan organization
24 in Neshoba but we do know that the Sheriff, Lawrence
25 Rainey, Deputy Sheriff Price; x-Sheriff, Hop Barnett,

1 and Billy Wayne Posey were members, and we know that
2 the Sheriff's office was looking for Michael Schwerner
3 and the other CivilRights Workers long before they
4 met their death.

5 We know more about the facts, that in early April,
6 May, Killen began to organize the plan in which these
7 boys would be drawn to they could do their job.
8 Frank Herndon joined. He became the head man, he's
9 the man in the bathrobe; Pete Harris joined, he
10 became a Klavern investigator; and then there was
11 Jim Jordan, the big man; Wayne Roberts, B. L. Akin
12 Jimmy Snowden, Jimmy Arledge, Doyle Barnett,-----

13 BY MR. PIGFORD:

14 We object, Your Honor, there is no evidence that Mr.
15 Akin ever joined, Your Honor.

16 BY THE COURT:

17 Well, that's argument, you may answer that if you
18 wish to do so.

19 BY MR. DOAR:

20 And to continue, there was Delmar Dennis and Mike
21 Hatcher.

22 At the meetings, there was talk of "goatee",
23 the Members in Meridian despised him, they wanted
24 to do something about him, they wanted to lean on
25 him a little. Edgar Ray Killen was appointed. The

1 Imperial Wizard, Sam Bowers, had approved his elimi-
2 nation, and it was going to be handled by another
3 unit. Michael Schwerner's presence in Neshoba County
4 had to be planned, so the Klavern up in Neshoba
5 County could accomplish the job. You remember the
6 14th of June. Cecil Ray Price and Hop Barnett
7 turn up on a country lane, two thirds of the way
8 between Highway 16 and the Sandtown road and Long-
9 dale road and they go down to that house, that green
10 marker there on that map, the furthest to the west
11 of the four markers on the Longdale Road, and they
12 show up down there and they stop an Arkansas car
13 way down there on a little old country lane on a
14 little old country road are Price and Barnett. They
15 come up this road , they go down this little lane
16 here and they come to this house here, the Jones
17 house, and they stop the Arkansas car. They asked
18 who this is, "who are these people?" Mr. Jones
19 said, well they used to live here and they've just
20 come back to visit. Price said, "I know what's
21 going on around here, and we're not going to have
22 any of that, we're not going to have any of that
23 stuff." "I have orders to check on that car because
24 we've heard white folks were riding in it." Price
25 then went over and checked on the vehicle. Everyone

1 knew about the Civil Rights Workers being up there.
2 It was the talk all over Beat Two. The next day,
3 Price comes back to look at the school. Two days
4 later, the Meridian Klavern is invited to a meeting
5 in Neshoba County, June the 16th. Frank Herndon called
6 the group together. Wayne Roberts, Pete Harris, B. L.
7 Akin, Delmar Dennis, Billy Birdsong come from
8 Meridian. They go first to the H & H and they meet
9 Preacher Killen, he takes them out to a school
10 three or four miles East of Philadelphia, then off
11 to the South on a side road. Billy Wayne Posey is
12 there. Inside the gym people are present, seventy-
13 five are present, and most of them are armed.
14 Killen calls the meeting together and asks for
15 announcements and Hop Barnett comes in and says,
16 "there is an important meeting over at the Mt. Zion
17 Church, it must be an important meeting, because the
18 church is heavily guarded." Killen asks if anything
19 should be done and he calls for volunteers. Wayne
20 Roberts, the big man at the end over there, Hop
21 Barnett, Billy Wayne Posey all leave with the others,
22 and they come back forty-five minutes later and they
23 report. Birdsong, one of the Meridian Klansmen,
24 reports about beating the Negro that came out of
25 the South exit of the church. He and Posey get into

an argument. Posey said he only thought they were supposed to be white. Wayne Roberts had blood on his knuckles, they talked about what they did, they said that everybody was beaten that came out of the exit but one old lady, who got down on her knees and prayed, you heard her testimony. You heard what she said, you heard her say that it was her true beliefs that Hop Barnett was there. That night, the church was burned. B. L. Akins said the church was burned because Schwerner/^{would be} back up there, their preparations were complete. Conspirators waited for Schwerner's return. He returned on the evening of June the 21st, he looked around the area, and then he headed in with his two friends toward Philadelphia. Cecil Price spotted the car and he arrested him. He said at first, "I've got a good one, George Raymond, a CORE workers," but when he made the arrest he learned he got Schwerner. Chaney is charged with speeding, they were put in jail. Somehow, the word was passed to Killen who organized the crew in Meridian.

Members of the Jury, in the execution of a conspiracy, there are members of the conspiracy who play different parts. There are the master planners, there are the organizers, there are the look-out men

1 there are the killers, there are clean-up and dis-
2 posal people, and there are the protectors. Each of
3 these defendants played one or more parts in this
4 conspiracy. Now, we'll take the testimony of Jim
5 Jordan who told you exactly what happened between
6 eight and one o'clock that morning.

7 Killen, the organizer, drove to Meridian and
8 contacted his friend, Frank Herndon, at the Longhorn.
9 Herndon asked Jordan to go on a job, he said they
10 needed some men to go up there, that Schwerner and
11 a couple of other Civil Rights Workers were locked
12 up in jail, that they needed their rear ends tore
13 up. He said that the Sheriff's Deputy locked them
14 up, then he, Frank Herndon and Pete Harris called
15 some of the boys together, and they went over to B.
16 L. Akin and made some more calls. The boys included
17 Wayne Roberts, the big man, and others included
18 from Meridian were Jimmy Snowden, Jimmy Arledge,
19 the B_arnnett brothers, and Jim Jordan. They
20 assembled at B. L. Akin, the assemble area. Gas
21 was put in their cars, guns were obtained and after
22 getting to Akins place, Killen again told the group
23 that the three Civil Rights Workers were locked up.
24 We had to hurry to get there. He said the Highway
25 Patrolman stopped them at the edge of town, Jordan

1 and Roberts got in their cars to go and get gas,
2 Killen said, "I'll go on ahead, he takes Roberts
3 with him, and he tells him where to park on the far
4 side of the courthouse. The other car gets there
5 driven by Horace Doyle Barnett, they get to the
6 courthouse, they stop, and the X-Sheriff, Hop
7 Barnett comes up and tells them someone will come
8 along and tell them where to wait. Killen comes
9 along in his car, directs/down the street a way
10 and tells them the boys will be released from jail
11 by Price. Killen says, "I'll go the funeral home
12 so I'll have an alibi." Within ten minutes Price
13 releases them from jail. A City police car, driven
14 by Richard Andrew Willis comes along and tells them
15 they are going out Highway 19. As they drive down
16 the road, they come up on Posey's car at Pilgrim's
17 store. You remember Officer's Powe's testimony, it
18 was about 10:26 or 10:30. Price had stopped to,
19 Posey had stopped to talk with the Mississippi Highway
20 Patrol. Posey asked them where Price is, then Posey
21 comes along and tells the others that Deputy Price
22 will stop the three and he tells them to follow him
23 and they follow. On the way out to the gravel road,
24 Posey's car breaks down, but the other two cars,
25 Price, in his official car, follows the station

1 wagon, Barnett, in his car, follows the Station
2 Wagon. The Station Wagon turns right off Highway
3 492, Price turns on the light, the flashing light
4 the flashing red light, and the cars stop. Price
5 gets out and gets the boys out of the Station Wagon
6 and puts them in his car, and as he puts them in
7 his car, Jordan stated he heard a thud as if Price
8 hits one of them. Someone drives the Station Wagon
9 they turn around and come back to 19, Price turns
10 up 19, stops at Posey's car and picks up Posey, and
11 the others, most of the others and they go on up
12 the side road. Within a matter of minutes they are
13 on the road leading to the west, the car stops, the
14 boys are taken out of the car and killed. They load
15 the bodies in the station wagon, Doyle is there,
16 Price is there, Posey is there, Roberts is there,
17 Jordan is there, Snowden is there, Arledge and Sharpe.
18 Price then heads back toward Philadelphia. Posey
19 tells the group he knows where they are going to
20 bury them. They go out the back road upward
21 Philadelphia out past Burrage's place, down to the
22 entrance of the dam, and down into the pond dam site.
23 They wait for a bulldozer operator named Herman to
24 come. He comes and works for about twenty minutes
25 of death
the caravan/then leaves and start back and before

1 they get to Philadelphia, they stop at what Jordan
2 describes as a warehouse, Doyle puts the license
3 plate back on his car, Jordan picks up the gloves,
4 he hears that Herman is going to take care of the
5 burning, and Jordan, he and Barnett enters the car
6 again and then they come back to Philadelphia. When
7 they get in downtown Philadelphia, Jordan says they
8 stopped at a grocery store. There's a police car
9 waiting there, two men are in it, and one of the
10 other men is Willis, City Policeman. He told them
11 where the boys were released from jail. Posey gets
12 out of the car and with Sharpe he tells them to get
13 away, everything will be taken care of. They leave
14 at about 12: 00 to 12:30 and goes back to Meridian.
15 James Jordan is a witness, an eye witness to a
16 participation by Killen, and Price and Herndon and
17 Harris, Akin, Mr. Akin, Posey, sitting next to Preacher
18 Killen there, Roberts, the big fellow, Snowden,
19 Arledge, Doyle Barnett, Sharpe, Hope Barnett and
20 Willis. Willis is here. Willis, Price, Killen
21 are all sitting right here.

22 Much will be said about Jordan's part in the
23 participation of the crime of murder in this case,
24 the minimunzation of his participation in the case.
25 It is not important for you to decide who actually